

Virginia Marine Resources Commission  
Finfish Management Advisory Committee Meeting  
VMRC Conference Room

December 3, 2012

**Members Present**

Jeff Deem (Co-Chair)  
Hon. Joseph Palmer, Jr. (Co-Chair)  
Jack Austin  
Skip Feller  
Glenn Wayne France  
Robert Weagley  
Doug F. Jenkins (for Russell Gaskins)  
Beth Synowiec  
Wynston Holdbrook  
Pete Nixon (For Scott MacDonald)  
Frank Kearney (For Tom Powers)

**VMRC Staff**

Rob O'Reilly  
Joe Grist  
Joe Cimino  
Stephanie Iverson  
Reneé Hoover  
Lewis Gillingham  
Allison Watts  
Samantha Hoover  
Laurie Williams

**Members Absent**

Ken Neill  
Ernest Bowden Jr.  
Percy Blackburn

**Others Present**

Kim Huskey  
M. Scott Bloxom  
Tanner France  
Scott Finney  
Keith Nuttall  
Nathan Dryden  
John Dryden  
Mike Dryden  
Bryan Hubbard  
Robert Hollowell  
Bob Allen  
Michael Langowski  
Mike Insley  
Lionel Jenkins  
Ed Haynie  
James C. West Jr.  
George Trice  
Harvey Brown Jr.

The minutes were recorded by Samantha Hoover. A complete recording of the meeting is available on the VMRC agency website.

**I. Introductions/Announcements**

The meeting commenced at 6:00 p.m. Mr. Rob O'Reilly moved the topic "Reconsideration of fisheries violations in terms of sanctions to part five and moved fisheries management presentation up to part four.

## **II. Approval of Minutes from September 24, 2012, meeting**

Mr. Jeff Deem motioned to approve the September 24, 2012 minutes. The motion was approved unanimously.

## **III. Discussion: Haul Seine Activities**

Mr. O'Reilly gave a brief introduction of the haul seine fishery. The concerns that have arisen involving the type of haul seine in question include safety, navigational concerns, environmental concerns, legality of using it as an anchored seine, and the economic impact on the puppy drum and speckled trout fishery. He noted VMRC has received positive feedback in support of this "traditional" type of haul seining as well. Mr. O'Reilly said that for this meeting, he hopes to get recommendations from the committee on this issue.

Mr. Joe Cimino gave a brief presentation on Haul Seines and the "J-Hook" type of haul seine that is being questioned. Some of the major concerns with the "J-hook" type of haul seining are the amount of time the nets are in the water and what waste occurs from that. The spring fishery mostly focuses on bait, spot, croaker, and cow nose rays. The fall fishery mostly targets croaker and spot and in the late fall striped bass and catfish. Haul seine is commonly one of the top gears for total landings from year to year. In regards to speckled trout, the haul seine harvest averages at about 70% of the total speckled trout harvest. Mr. Pete Nixon asked is there any way to determine how many of these species were caught by the "beach seines" ("J-Hook") verses the other types of haul seines. Mr. Cimino said that the tables are a combination of both types of seines because it is not a required distinction in the mandatory harvest reports and in gear type.

Mr. Cimino stated that the commercial quota for speckled trout was capped at 51,140 pounds which was set by adding 10% to the 1993-1994 commercial harvest. It was also set with a commercial season of September 1 through August 31<sup>st</sup> of the following year. For the first time the commercial speckled trout fishery closed in October this year because it had been projected that it had reached its quota and will not reopen until August 31<sup>st</sup>, 2013.

Mr. Deem asked if the speckled trout in Virginia experience the cold stunt that North Carolina stock experienced in 2010 and 2011, and are the speckled trout that quick to grow?

Mr. Cimino responded yes, they are that quick to grow and that there is a high amount of mixing between the two states. Mr. Wayne France states that there would be lot of wasted speckled trout if we are not going to get an increase in quota.

Mr. Skip Feller asked Mr. Nixon what is the mortality rate with the "beach seines". Mr. Nixon referred to the amendment to the Virginia Code (28.2-305.2) which changed the mesh size of the net. He said that the fish are not pushed against the net hard until you start to pull it in and the smaller mesh in certain parts of the net make it less likely to gill the fish when hauling. It is

simple to release the smaller fish with little harm. He stated that when they made the amendment they made it to include the “beach seines” and this type of seining is not a new practice.

Mr. O’Reilly described the speckled trout quota situation more by saying it is not a biological quota, and if there was a request from the public for an increase in quota, it would have to go through FMAC, then through the commission. Mr. Deem asked if the speckled trout are here year round. Mr. O’Reilly answered that they are around year round in certain areas with weather permitting.

Mr. Deem stated that it seems that the main problem is the need for education for those who do not know much about the fishery, the soak time, and waste. He asked if there is a correlation between time and waste. Mr. Robert Hollowell, from the public, felt that there is less than 1% waste. Mr. Wayne France asked what is his the maximum soak time. Mr. Hollowell said 12 hours unless there is inclement weather. Mr. Nixon explained that there are usually 4-5 anchors that hold the net. The main anchor weighs 75 pounds. It is set in the circle with 3-4 back anchors weighing 30-40 pounds. When the weather gets too bad it is too risky to fish under these conditions and you don’t want to leave your weather too long because it is rough on the net.

Mr. O’Reilly read letters with some of the complaints. The letter’s comments focused on the “non-traditional” anchored type of haul seine and the legality of leaving the anchored net for an extended period of time which was not the intent of a traditional haul seine. Mr. Deem felt that some of the concern by the public was a misunderstanding of the fishery and that staff needs to educate the people that sent in concerns, then if they are still concerned after the education, then FMAC can revisit this issue.

Mr. Charles Dryden, from the public, said that he has been doing this for 5-7 years. This year he caught speckled trout in his “beach seine” and that is where this issue has arisen from. He put giant buoys around his nets to help with navigation. His soak time is 12-24 hours unless there is inclement weather. He said this is a very efficient fishery. Mr. Dryden is also concerned with the speckled trout quota. Mr. O’Reilly says that for the quota to have any change, we will have to have a forum at a different meeting with haul seine fisherman present, and then we can debate to see if a change needs to be made.

#### **IV. Fisheries Management Process**

Staff gave a presentation explaining the fisheries management process at the state, regional and federal levels. The presentation included information on how data was collected and used by both the commercial and recreational fisheries for both stock assessments and management decisions.

## **V. Reconsideration of Fisheries Violations in terms of sanctions**

Mr. O'Reilly gave a brief introduction of the Fisheries violations in terms of sanctions as they are now and explained it is the wish of Commissioner Travelstead to have fisheries staff, VMRC Law Enforcement and the advisory committees look at updating to the process. Since 1996 three court convictions of guilty were required before you could be called before the Commission for a revocation hearing. He showed the committee some examples of known fisheries violations and asked for the committee's opinions and recommendations are concerning which violations are more severe than others. Mr. O'Reilly stated staff will provide FMAC members additional materials to inform them of issues.

## **VI. New Business**

### **Striped Bass**

Mr. Robert Weagley asked if there is going to be a decrease in the striped bass quota in 2013. Mr. O'Reilly replied that there will be a 14% decrease. He explained that for our striped bass quota, we are joined with the Maryland DNR and Potomac River Fisheries Commission and we are all subject to the Harvest Control Model (HCM). The HCM is mainly influenced by year class strength. The bad year classes have caused a reduction in the exploitable stock biomass. Mr. Weagley had a question about poor recruitment for three consecutive years triggering action. Mr. O'Reilly explained that Mr. Weagley may be referring to an ASMFC trigger regarding recruitment failure. If any state has three years of recruitment failure then ASMFC will take action, however, that trigger is not what is being discussed with the 2013 quota for the Chesapeake Bay or the HCM. The quota is set by exploitable stock biomass and fishing mortality rate. Mr. France asked if we continue to have bad recruitments in 2013 and 2014, could we see a 40% decrease in quota? Mr. O'Reilly responded that the 40% was an earlier proposal from ASMFC, that did not go past early consideration by the ASMFC Striped Bass Management Board. The best case scenario is that everything bounces back from the 2011 year class. No one has had three years of recruitment failure yet. If this does happen then the ASMFC will have to step in. Hon. Joseph Palmer Jr. added that the Potomac River Fisheries Commission passed on a 14% reduction to their striped bass fishery as well last week.

### **American Shad By-catch Fishery**

Mr. Robert Weagley asked if the American shad bycatch fishery was limited to 30 licenses and is there any way we can set a control date for people that have been in the fishery. Mr. O'Reilly said there are 30 permits allowed annually in ASMFC's approval of the fishery and that it might be good to have some slots that are open for new fishermen. Mr. Weagley requested that a consideration for a limited entry system to qualify for the permit go before the commission before the February commission meeting. Mr. O'Reilly stated that there is a number of options

that need to be considered during the next FMAC meeting in regards to this issue and it will not be able to be brought in front of the commission until the February commission meeting.

**VII. Next Meeting Date**

The next FMAC meeting is scheduled for Tuesday January 15, 2013. There were no objections.

**VIII. Adjournment**

Mr. Deem motioned to adjourn the meeting at 8:52p.m. The motion was approved unanimously.